

BEFORE THE
COUNTY BOARD
OF APPEALS
OF
BALTIMORE COUNTY
CASE NO. R-91-112
Item #6, CYCLE IV
1990-1991

Herman Lucher, Inc. petitions the Board of Appeals to reclassify from D.R.3.5 to B.L.-C.N.S. a .2472 acre parcel located on the northeast side of Reisterstown Road, 155 feet northwest of Montrose Avenue that constitutes the rear portion of the entire parcel owned by the Petitioner at that location. The remaining portion of the parcel carries a B.L. zoning. Petitioner and People's Counsel presented various exhibits, including photographs, the Report by the Planning Board, 1988 Zoning Map (in relevant portion) and a letter from the Maryland Highway Administration regarding the future widening of Reisterstown Road.

Mr. Herman Lubcher, President of the Petitioner, testified that the corporation purchased the property in 1978 at an auction which had been used as various food and restaurant establishments, all of which failed. The property remains unused and vacant. Those businesses used the subject portion of the property as a parking lot for which a permit had been issued. Mr. Lubcher

testified as to the difficulty he has experienced over the last two to three years in obtaining a tenant or in selling the ground and building due to the existing zoning and the configuration of the lot and building including the fact that most franchise food operations now have a drive through facility which would be prevented by the location of the building on the lot, the existing zoning and the possible widening of Reisterstown Road which would further reduce the size of the B.L. zoned area.

Petitioner presented the testimony of Norman Gerber whom the Board accepted as an expert in land use planning and zoning. Mr. Gerber testified as to the zoning history of the subject parcel and surrounding parcels and that approximately twenty to thirty years ago an accepted zoning practice included drawing zoning lines parallel to the major radial arteries emanating from Baltimore City and that obtaining parking permits was easier in those times. He finds no reason why the subject property should not be zoned to the full depth. In his opinion, considering the surrounding properties, the uses made of them and of this parcel, the fact that the Master Plan cannot be accurately applied to individual properties, and the fact that other properties zoned B.L. in the neighborhood are substantially zoned B.L. to the full depth of the property, Mr. Gerber believes the D.R.3.5 zoning on the rear portion of the subject property is erroneous.

People's Counsel presented the testimony of John J. Dillon whom the Board recognized as the Senior Land Planner employed by

Baltimore County who has immediate responsibility for the zoning issues on the subject property and accepted him as an expert in land use planning and zoning. Mr. Dillon testified that split zoning exists on both adjacent properties, that he questions the need and appropriateness of the proposed zoning in addition to questioning whether an error occurred. However, he testified that although a B.L. zone on the subject parcel may have an adverse effect on the surrounding residential neighborhood, it constitutes the safest classification in terms of securing an appropriate use of the property. He acknowledged that the property in the neighborhood southeast of Montrose Avenue is zoned B.L. to the full extent of the property lines.

Having considered all of the testimony, exhibits and argument of Counsel, we believe the County Council erred in creating two separate zoning classifications on this particular parcel, which due to its size, configuration, the location of the building on site, and the future widening of Reisterstown Road, neither one of which allows utilization of the property.

Accordingly, we find the D.R.3.5 zoning on the .2472 acre portion of the rear parcel of the property erroneous and believe that the property should be zoned B.L.-C.N.S. to its full depth and will so order.

IT IS THEREFORE this 23rd day of April, 1991 by the
County Board of Appeals of Baltimore County ORDERED that the

4
Petition for Reclassification of the .2472 acre parcel from D.R.
3.5 to B.L.-C.N.S. be and the same is hereby GRANTED.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman

C. William Clark

Lynn B. Moreland
Lynn B. Moreland

TO THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY:

TO THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an _____ zone to an _____ zone and (2) for a Special Exception, under the zone, for the reasons given in the attached statement and (3) for a Special Exception, under the zone, said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for _____

and (3) for the reasons given in the attached statement, a variance from the following sections of the Zoning Law and Zoning Regulations of Baltimore County:

RE: PETITION FOR RECLASSIFICATION : BEFORE THE COUNTY BOARD OF
FROM D.R. 3.5 TO B.L.-C.N.S. :
ZONE, NE/S Reisterstown Rd. : APPEALS OF BALTIMORE COUNTY
(161' NE of C/L & 154.93' NW
of NW/S of Montrose Ave.
(9837 Reisterstown Road) :
3rd Election District :
3rd Councilmanic District :
HERMAN LUBCHER, INC., : Case No. R-91-112
Petitioner : (Item 6, Cycle IV)

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

I HEREBY CERTIFY that on this 18th day of October, 1990, a copy of the foregoing Entry of Appearance was mailed to Arnold Fleischmann, Esquire, Suite 113, 408 Bosley Ave., Towson, MD 21204, Attorney for Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman

RECEIVED
COUNTY BOARD OF APPEALS
90 OCT 16 PM 3:13

to be posted and advertised as prescribed by The Baltimore County Code

I, or we, agree to pay expenses of above Re-classification, Special Exception and/or Variance, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser: _____
(Type or Print Name)

Legal Owner(s):
Herman Lubcher, Inc.

(Type or Print Name)

By: Herman Lubcher JAC
Signature Herman Lubcher, President

Signature _____

 Address _____

 City and State _____

 (Type or Print Name)

 Signature _____

Attorney for Petitioner:
Arnold Fleischmann
(Type or Print Name)
8201 Tall Chimney Court 486-8671
Address Phone No.
Baltimore, Maryland 21208
City and State

Signature _____
408 Bosley Avenue _____
Address _____
Towson, Maryland 21204 _____
City and State _____

Name, address and phone number of legal owner, contract purchaser or representative to be contacted
ARNOLD FLEISCHMANN
Name _____

Attorney's Telephone No.: 337-7600 (SEE AT LEFT)
Address Phone No.

BANC Form 1

RECEIVED
COUNTY BOARD OF APPEALS
90 AUG 31 AM 10:08

STATEMENT TO ACCOMPANY PETITION FOR RECLASSIFICATION
FROM D.R.3.5 TO B.L.-C.N.S.
FOR THE REAR PORTION OF THE PROPERTY KNOWN AS
9643 REISTERSTOWN ROAD

I. DESCRIPTION OF THE SITE

The subject property has a frontage of 131.32 feet on the northeast side of Reisterstown Road. The front portion of the parcel lies in a Business, Local zone, on which is superimposed a Commercial, Neighborhood Shopping district; this L-C-N-S zoning continues to a depth of approximately 161 feet from the center line of Reisterstown Road. This front portion of the parcel is improved with a building which was previously occupied by a tenant and used for a restaurant, but which has been vacant for nearly one year. It is quite likely that when a new tenant is found, the existing building will be razed and replaced with new construction.

The rear portion of the parcel, containing approximately 10,770 square feet (0.2472 acre), is zoned D.R.3.5. On February 3, 1975, the Zoning Commissioner granted a special permit to allow parking for a commercial purpose on the rear (residentially zoned) portion of the parcel to service the restaurant on the front (B.L.-C.N.S.) portion of the parcel.

II. ERROR IN THE ZONING MAP

Petitioner contends that it was error to ignore the depth of the subject property and to divide it into two (2) zones, with D.R.1.5 zoning on the rear portion, since it does not conform to the D.R.1.5 zoning of the parcel. The zoning map appears to have been drawn without reference to the actual property line, which included the adjacent railroad right of way. It should be noted that the adjacent property known as 9638 Reisterstown Road, which adjoins the southeast side of the subject property, has zoning which is B.L.-C.N.W.S. (B.L.-C.N.W.S. zoning property line) and further away from Reisterstown Road than does the B.L.-C.N.W.S. zoning on the front portion of the subject property.

This "confiscatory" zoning has resulted in the creation of a "landlocked" D.R. 3.5 residential zoning area (the rear portion of the parcel) which does not abut a residential street, and from which there is no opportunity to gain access to a residential street or residential development. Access to this area may only be had from the commercially zoned front portion of the parcel. As such, the rear portion of the parcel is not usable for any of the uses permitted in a D.R. 3.5 zone, which is tantamount to confiscation of that portion of the property.

III. CHANGES IN THE CHARACTER OF THE NEIGHBORHOOD

Because of the changes in the neighborhood, particularly the construction of a major shopping center across Reisterstown Road immediately opposite to the site, it has become more difficult to find an appropriate tenant for the subject property. The large of the subject property (B.R.-I.M.-I.M.) permits the use of that land for all B.R.-I.M.-I.M. purposes and for general residential uses. Therefore, many prospective tenants for the subject property are, instead, drawn to the shopping center, which has resulted in the loss of these tenants. The Board of Zoning Appeals has previously indicated that the subject property, as presently zoned, cannot be used for commercial purposes which are needed in the neighborhood. Therefore, the widening of Reisterstown Road, the opening of the rapid transit station and the completion of the Northwest Expressway (I-795) have all contributed to the major changes in the character of the neighborhood.

IV. CONCLUSION

It is Petitioner's contention that subsequent development in this area (and, in particular, the shopping center across Reisterstown Road) has made it clear that this property should be zoned in a single classification, and that the B.L.-C.N.S. zone is the only logical classification which reflects the current state of development.

Walter T. Parr

Michael K. Smith, P.L.S.

BPS/land technology, inc. R-91-112

Engineers & Surveyors

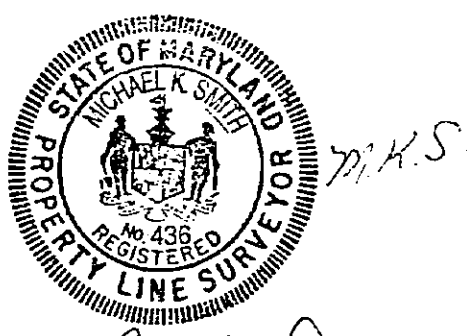
P.O. Box 5614 • Baltimore, MD 21210 • (301) 435-0800

ZONING DESCRIPTION OF A PARCEL TO BE REZONED FROM DR 3.5 TO BL-CNS

Beginning at a point distant North 41 degrees West 286.25 feet from a point where the line of the northwest side of Montrose Avenue, extended southwesterly, is intersected by the center line of Reisterstown Road and North 49 degrees East 161.00 feet from said centerline of Reisterstown Road, thence from said point of beginning the six following courses and distances:

1. North 49 degrees East - 34.00 feet,
2. South 86 degrees 01 minute East - 90.46 feet,
3. South 26 degrees 23 minutes East - 99.96 feet,
4. North 86 degrees 01 minute West - 41.55 feet,
5. South 49 degrees West - 43.34 feet, thence binding along the 1"-200' scale 1988 Zoning Map NW-10-G
6. North 41 degrees West - 131.32 feet to the point of beginning.

Containing 10,770 square feet or 0.2472 acres of land more or less.



Michael K. Smith, P.L.S.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 300 Date of Posting: 2-15-91
Posted for: Reclassification
Petitioner: Herman Lubcher, Inc.
Location of property: 151' NE of c/l and 154.93' NW of NW/4 Montrose Avenue
Location of Signs: Along front of subject property 9643 Reisterstown Rd
Remarks: See front of subject property 9643 Reisterstown Rd
Posted by: J. Robert Haines Date of return: 2-22-91
Number of Signs: 1



Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

receipt
#8

Date: 8-31-90

Reclass Petition

Owner: Herman Lubcher, Inc.
9643 (Rear) Reisterstown Rd

DR 3.5 to BL-CNS

\$175.00

Please Make Checks Payable To: Baltimore County 04A04#0054NICHRC 04A08-31-90

Cashier Validation



Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

receipt
No 3493

Date: 9/24/90

H9100125

PUBLIC HEARING FEES QTY PRICE
050 - RECLASSIFICATION 1 X \$175.00
TOTAL: \$175.00

LAST NAME OF OWNER: LUSCHER, INC.

Please make checks payable to: Baltimore County

Cashier Validation:



Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

receipt

Date: 9-26-90

H9100857

PUBLIC HEARING FEES QTY PRICE
050 POSTING SIGNS / ADVERTISING 1 X \$463.27
TOTAL: \$463.27

LAST NAME OF OWNER: LUSCHER, INC.

\$463.27

Please Make Checks Payable To: Baltimore County 04A04#0054NICHRC 04A08-27-91

Cashier Validation

NOTICE OF HEARING Petition for Zoning Reclassification

Case number: R91-112 - 3
NE/4 Reisterstown Road,
(161' NE of c/l and 154.93'
NW of NW/4 Montrose Avenue)
9637 Reisterstown Road
Towson, Maryland 21204
Petitioner(s):
Herman Lubcher, Inc.
Hearing Date: Tuesday,
April 9, 1991 at 10:00 a.m.
PROPERTY DESCRIPTION

Beginning at a point distant North 41 degrees West 286.25 feet from a point where the line of the northwest side of Montrose Avenue, extended southwesterly, is intersected by the center line of Reisterstown Road and North 49 degrees East 161.00 feet from said centerline of Reisterstown Road, thence from said point of beginning the six following courses and distances:

1) North 49 degrees East - 34.00 feet,
2) South 86 degrees 01 minute East - 90.46 feet,
3) South 26 degrees 23 minutes East - 99.96 feet,
4) North 86 degrees 01 minute West - 41.55 feet,
5) South 49 degrees West - 43.34 feet, thence binding along the existing DR 3.5/BL-CNS Zone Line as shown on the 1"-200' scale 1988 Zoning Map NW-10-G

Containing 10,770 square feet or 0.2472 acres of land more or less.

Reclassification Petition to reclassify the property from DR 3.5 zoning to BL-CNS zoning.

Time: 10:00 a.m.

Date: Tuesday, April 9, 1991

Location: County Office Building, Room 301 111 W. Chesapeake Avenue, Towson, Maryland 21204

William T. Hackett, Chairman
County Board of Appeals

CERTIFICATE OF PUBLICATION

TOWSON, MD., 3-8-91

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 3 successive weeks, the first publication appearing on 3-7-91.

THE JEFFERSONIAN,

S. Zake Olson
Publisher

\$ 110.56

October 17, 1990

NOTICE OF HEARING

Petition for Zoning Reclassification
CASE NUMBER: R-91-112
NW/4 Reisterstown Road, (161' NE of c/l and 154.93' NW of NW/4 Montrose Avenue)
9637 Reisterstown Road
Towson, Maryland 21204
Petitioner(s): Herman Lubcher, Inc.
HEARING: TUESDAY, APRIL 9, 1990 at 10:00 a.m.

PROPERTY DESCRIPTION

Beginning at a point distant North 41 degrees West 286.25 feet from a point where the line of the northwest side of Montrose Avenue, extended southwesterly, is intersected by the center line of Reisterstown Road and North 49 degrees East 161.00 feet from said centerline of Reisterstown Road, thence from said point of beginning the six following courses and distances:

- 1) North 49 degrees East - 34.00 feet,
- 2) South 86 degrees 01 minute East - 90.46 feet,
- 3) South 26 degrees 23 minutes East - 99.96 feet,
- 4) North 86 degrees 01 minute West - 41.55 feet,
- 5) South 49 degrees West - 43.34 feet, thence binding along the existing DR 3.5/BL-CNS Zone Line as shown on the 1"-200' scale 1988 Zoning Map NW-10-G
- 6) North 41 degrees West - 131.32 feet to the point of beginning.

Containing 10,770 square feet or 0.2472 acres of land more or less.

RECLASSIFICATION: Petition to reclassify the property from DR 3.5 zoning to BL-CNS zoning.

TIME: 10:00 a.m.

DATE: TUESDAY, APRIL 9, 1991

LOCATION: County Office Building, Room 301
111 W. Chesapeake Avenue
Towson, Maryland 21204

WILLIAM T. HACKETT, CHAIRMAN
County Board of Appeals

cc: Herman Lubcher, Inc.
Arnold Fleischmann, Esq.

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204

April 2, 1991

887-3353

Arnold Fleischmann, Esquire
408 Bosley Avenue
Towson, MD 21204

RE:

Item No. 6
Case No. R91-112
Petitioner: Herman Lubcher, et al
Reclassification Petition

Dear Mr. Fleischmann:

This reclassification petition has been timely filed with the Board of Appeals for a public hearing within the October-April reclassification cycle (Cycle IV). It has been reviewed by the zoning office as to form and content and has also been reviewed by the Zoning Plans Advisory Committee. The review and enclosed comments from the Committee are intended to provide you and the Board of Appeals with an insight as to possible conflicts or problems that could arise from the requested reclassification or uses and improvements that may be specified as part of the request. They are not intended to indicate the appropriateness of the zoning action requested.

If it has been suggested that the petition forms, descriptions, briefs, and/or the site plans be amended so as to reflect better compliance with the zoning regulations and/or commenting agencies' standards and policies, you are requested to review these comments, make your own judgment as to their accuracy and submit the necessary amendments to this office on or before April 9, 1991. In the event that any requested amendments are not received prior to this date, the petition will be advertised as originally submitted.

In view of the fact that the submitted site plan does not indicate a proposed use at this time, the comments from this Committee are general in nature. If the request is granted and an additional hearing is required at a later date, more detailed comments will be submitted at that time.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

DATE: 3-12-91

Herman Lubcher, Inc.
8201 Tall Chimney Court
Baltimore, Maryland 21208

Re: Petition for Zoning Reclassification
CASE NUMBER: R-91-112
NW/4 Reisterstown Road, (161' NE of c/l and 154.93' NW of NW/4 Montrose Avenue)
9637 Reisterstown Road
Petitioner(s): Herman Lubcher, Inc.
HEARING: TUESDAY, APRIL 9, 1990 at 10:00 a.m.

Dear Petitioner(s):

This is to advise you that \$463.27 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

THIS FEE MUST BE PAID AND THE RECLASSIFICATION SIGN AND POST RETURNED TO THE BALTIMORE COUNTY ZONING OFFICE ON THE DAY OF THE BOARD OF APPEALS' HEARING OR THE ORDER WILL NOT BE ISSUED.

Please make your check payable to "Baltimore County, Maryland" and remit it to Ms. G. Stephens, Zoning Office, Room 113, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204, before the hearing.

Very truly yours,

J. Robert Haines
Zoning Commissioner

cc: Herman Lubcher, Inc.
Arnold Fleischmann, Esq.

Arnold Fleischmann
R91-112
Page 2

If you have any questions concerning the enclosed comments, please feel free to contact the Zoning Office at 887-3391 or the commenting agency.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. Herman Lubcher
8201 Tall Chimney Court
Baltimore, MD 21208

"DUPLICATE" CERTIFICATE OF PUBLICATION

TOWSON, MD., 3-8-91

THIS IS TO CERTIFY, that the annexed advertisement was published in OWINGS MILLS TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 3 successive weeks, the first publication appearing on 3-7-91.

OWINGS MILLS TIMES,

S. Zake Olson
Publisher

\$ 110.56

NOTICE OF HEARING Petition for Zoning Reclassification

Case number: R91-112 - 3
NE/4 Reisterstown Road,
(161' NE of c/l and 154.93'
NW of NW/4 Montrose Avenue)
9637 Reisterstown Road
Towson, Maryland 21204
Petitioner(s):
Herman Lubcher, Inc.
Hearing Date: Tuesday,
April 9, 1991 at 10:00 a.m.
PROPERTY DESCRIPTION

Beginning at a point distant North 41 degrees West 286.25 feet from a point where the line of the northwest side of Montrose Avenue, extended southwesterly, is intersected by the center line of Reisterstown Road and North 49 degrees East 161.00 feet from said centerline of Reisterstown Road, thence from said point of beginning the six following courses and distances:

1) North 49 degrees East - 34.00 feet,
2) South 86 degrees 01 minute East - 90.46 feet,
3) South 26 degrees 23 minutes East - 99.96 feet,
4) North 86 degrees 01 minute West - 41.55 feet,
5) South 49 degrees West - 43.34 feet, thence binding along the existing DR 3.5/BL-CNS Zone Line as shown on the 1"-200' scale 1988 Zoning Map NW-10-G

Containing 10,770 square feet or 0.2472 acres of land more or less.

Reclassification Petition to reclassify the property from DR 3.5 zoning to BL-CNS zoning.

Time: 10:00 a.m.

Date: Tuesday, April 9, 1991

Location: County Office Building, Room 301 111 W. Chesapeake Avenue, Towson, Maryland 21204

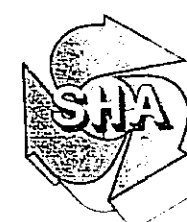
William T. Hackett, Chairman
County Board of Appeals

Your petition has been received and accepted for filing this
31st day of August, 1991.

J. Robert Haines
ROBERT HAINES
ZONING COMMISSIONER

Received By:
James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Herman Lubcher, et al
Petitioner's Attorney: Arnold Fleischmann



Maryland Department of Transportation
State Highway Administration

Richard H. Trainor
Secretary
Hal Kassoff
Administrator

December 5, 1990

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204
Attn: Mr. James Dyer

RE: Baltimore County
Herman Lubcher Property
Zoning Reclassification Cycle IV
Case No. R-91-112
Hearing Date April 9, 1991
N/S Reisterstown Road
MD 140
154' west of Mantrase Avenue

Dear Mr. Haines:

We have reviewed the submittal for a change in zoning from D.R. -3-5 to B.L. -C.N.S.
and we offer the following:

The plan must be revised to show a future 100' right-of-way (50' measured from the
centerline) on Reisterstown Road.

We will make any additional comments necessary when this plan is submitted through
the CRG process.

If you have any questions, please contact Larry Brocato (333-1350).

Very truly yours,

John Heyman
John Heyman
for John Contestabile, Chief
Engineering Access Permits
Division

LB/es

cc: Mr. D. Sylvan Friedman
BPS Land Technology, Inc.
Mr. J. Ogle

RECEIVED
DEC 7 1990
ZONING OFFICE

My telephone number is (301) 333-1350

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 555-0451 D.C. Metro - 1-800-492-5082 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Court Building, Suite 401
Towson, Maryland 21204
(801) 887-3354

November 21, 1990

Mr. William Hackett
Chairman, Board of Appeals
County Office Building
Towson, MD 21204

Zoning Classification Cycle IV
Property Owner: Herman Lubcher, Inc.
Case No./Hearing Date: R-91-112; April 9, 1991
Location: #9637 Reisterstown Road
Existing Zoning: D.R.-3.5.
Election District: 3rd
Councilmanic District: 3rd
Acres: 0.2472
Proposed Zoning: B.L.-C.N.S.

Dear Mr. Hackett:

The existing D.R.3.5. zoning can be expected to generate
approximately 10 trips per day and the proposed B.L.C.N.S. zoning can
be expected to generate approximately 125 trips per day.

Very truly yours,

Michael S. Flanagan
Michael S. Flanagan
Traffic Engineer Associate II

MSF/lab

RECEIVED
NOV 28 1990
ZONING OFFICE

Baltimore County
Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21204-5500
(301) 887-4900
Paul H. Rasmussen

OCTOBER 16, 1990



Dennis F. Rasmussen
County Executive

Mr. William Hackett
Chairman, Board of Appeals
County Office Building
Towson, MD 21204

RE: Property Owner: HERMAN LUBCHER, INC.

Location: #9637 REISTERSTOWN ROAD

Item No.: R-91-112 Zoning Agenda: OCTOBER, 1990 - APRIL, 1991

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by
this Bureau and the comments below are applicable and required to be
corrected or incorporated into the final plans for the property.

1. Fire hydrants for the referenced property are required and shall
be located at intervals of 300 feet along an approved road in
accordance with Baltimore County Standards as published by the
Department of Public Works.

5. The buildings and structures existing or proposed on the site
shall comply with all applicable requirements of the National Fire
Protection Association Standard No. 101 "Life Safety Code", 1988
edition prior to occupancy.

REVIEWER: *Carl J. Kelly* 10/14/90 Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/REK

G. Walter Tyrie, Jr.
11004 York Road
Cockeysville, Maryland 21030
Phone: 527-0670

March 5, 1991

P. David Fields, Director
Office of Planning and Zoning
County Courts Building, Suite 406
401 Bosley Avenue
Towson, Maryland 21204

RE: Zoning Map Correction,
Painters Mill Shopping Center
N/E Corner of Reisterstown Road
and Rosewood Lane

Dear Mr. Fields:

I am writing to you to tell you my recollection of the
1971 zoning maps.

At the time of the maps, the above captioned property was
in my councilmanic district.

During the 1971 zoning map process, the Baltimore County
Council assumed that the existing zoning of the property would
remain the same and be confirmed unless deliberately altered by
Council action.

My recollection of the 1971 maps does not include any
re-zoning of this property, and Newton Williams' review of the
Planning Board Logs does not show any issue for this property.
The Council Logs for 1971 cannot be located at the County
Office of Planning. I recall all issues where we changed lines
or zoning as having been recorded in the logs.

Accordingly, I can state that there was no intent to
change the zoning of this property or move the line in any
manner so as to disturb the existing zoning or zone lines on
the property.

Thank you for your kind attention to this matter.

Very truly yours,

G. Walter Tyrie, Jr.
G. Walter Tyrie, Jr.

GWT/bld
cc: Newton A. Williams, Esquire

Baltimore County Government
Office of Planning and Zoning



401 Bosley Avenue
Towson, MD 21204

887-3211
Fax 887-5862

March 12, 1991

Mr. Douglas L. Burgess
Nolan, Plumbhoff & Williams
Suite 700, Court Towers
Towson, MD 21204

Re: Zoning Map Correction

Certification of Findings of the Director of the Office of
Planning and Zoning - Case No. M.C. 90-10

Dear Mr. Burgess:

In response to your notice of an error in the 1988 county-wide
zoning map and pursuant to Section 22-35(B)(2) of the Baltimore
County Code, the Director of the Office of Planning and Zoning
certifies his findings as follows:

Based upon a review of the 1971 Comprehensive Zoning Map,
it is apparent that a technical drafting error occurred
resulting in a change of the property's zoning classifi-
cation when there was no request before the Council to
do so. This drafting error resulted in the reclassifi-
cation of the rear portion of the property from B.L. to
D.R.3.5.

Pursuant to Section 22-25(A)(2) of the Baltimore County Code,
the Office of Planning and Zoning will prepare a Petition for
Correction of Zoning Designation on which Painters Mill Professional
Building/Nick Frank shall be joined by Baltimore County as parties.
If there should be any questions, please contact Jeffrey Long at
887-3211.

Sincerely,

Jeffrey Long
Jeffrey Long
Planner

PDF/JL/cmm
MC91C.LTR/PETITION

ZONING MAP CORRECTIONS
Baltimore County Office of Planning and Zoning
887-3211

The following case will be heard by the Board of Appeals in Room 301
of the County Office Building.

Tuesday, April 9, 1991, 9:00 A.M., Nick Frank Enterprises/
Painters Mill Professional
Building-S/E side of
Reisterstown Road and
Rosewood Lane

For additional information, contact Jeffrey Long at 887-3211.

JL/cmm
PAINTERS.MLL/TEXTCMM

cc: Executive Office - Merrison Kelly
Law Office - James G. Beach, III
County Council - Councilman C.A. "Dutch" Ruppertsberger
People's Counsel - Shirley M. Hess
Zoning Commissioner's Office - W. Carl Richards, Jr.
Douglas L. Burgess, Esquire
Nicholas Commodari

Walter T. Parr

Michael K. Smith, P.L.S.

BPS/land technology, inc.
Engineers & Surveyors

P.O. Box 5614 • Baltimore, MD 21210 • (301) 435-0800

To: *CARL RICHARDS*
Re: *10-A-90*
HERMAN LUBCHER
9637 REISTERSTOWN ROAD

Dear:

☒ We are submitting
☐ We are forwarding
☐ We are returning
☒ Herewith
☐ Under Separate Cover

R-91-112

COPIES	DESCRIPTION
12	ZONING RECLASSIFICATION PLAN REVISED PLANS RECEIVED OCT 4 1990

Remarks:

☒ In accordance with your request
☐ For your review
☐ For processing
☐ Plans reviewed and accepted
☐ Plans reviewed and accepted as noted
☐ For your use
☐ Please call when ready
☐ Please return to this office
☐ Approval requested
☐ Meeting requested

For further information, please contact the writer at this office.

Very truly yours,

Michael K. Smith

Enclosure

1-10-1989
 RECLASSIFICATION CASE NO. MC 90-10
 RECLASSIFICATION AREA (ROSEWOOD LN.)

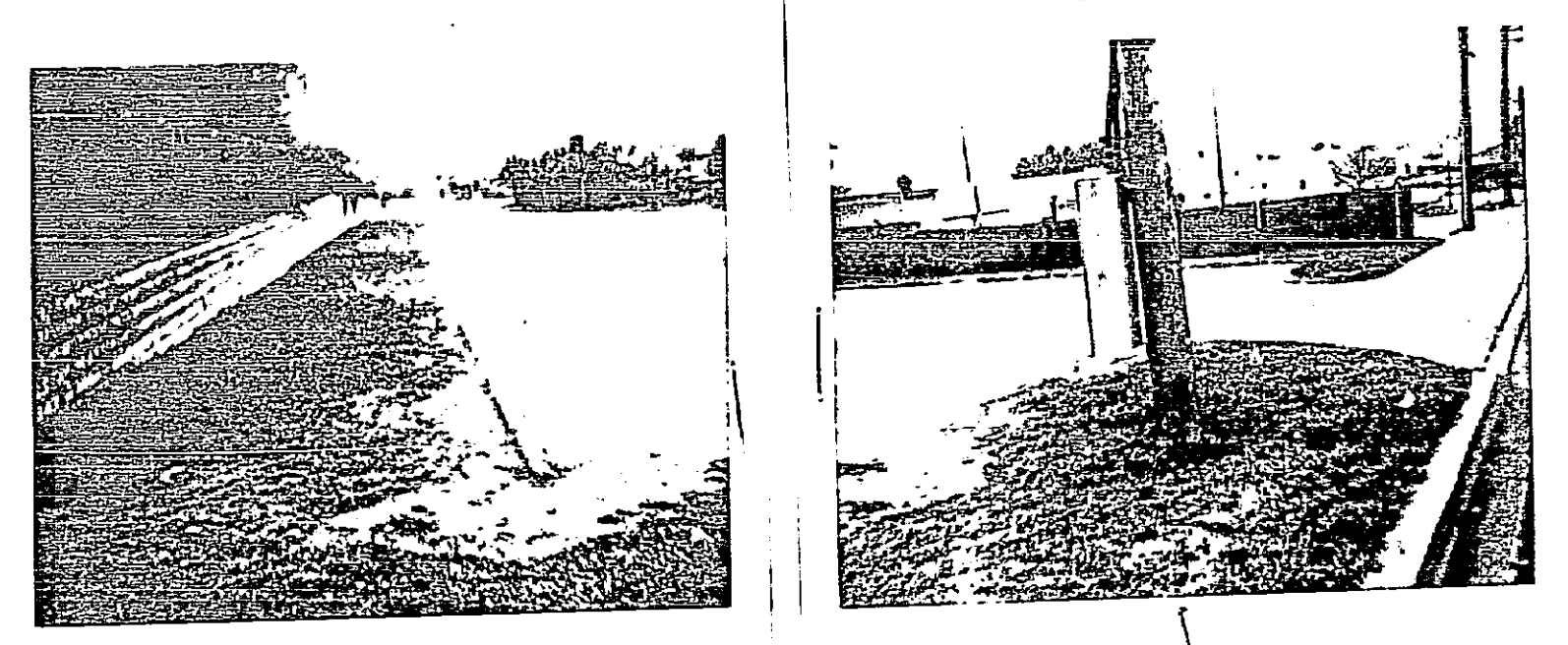


PHOTO A VIEW OF CORRECTION AREA
 PHOTO B VIEW TOWARD REISTERSTOWN ROAD

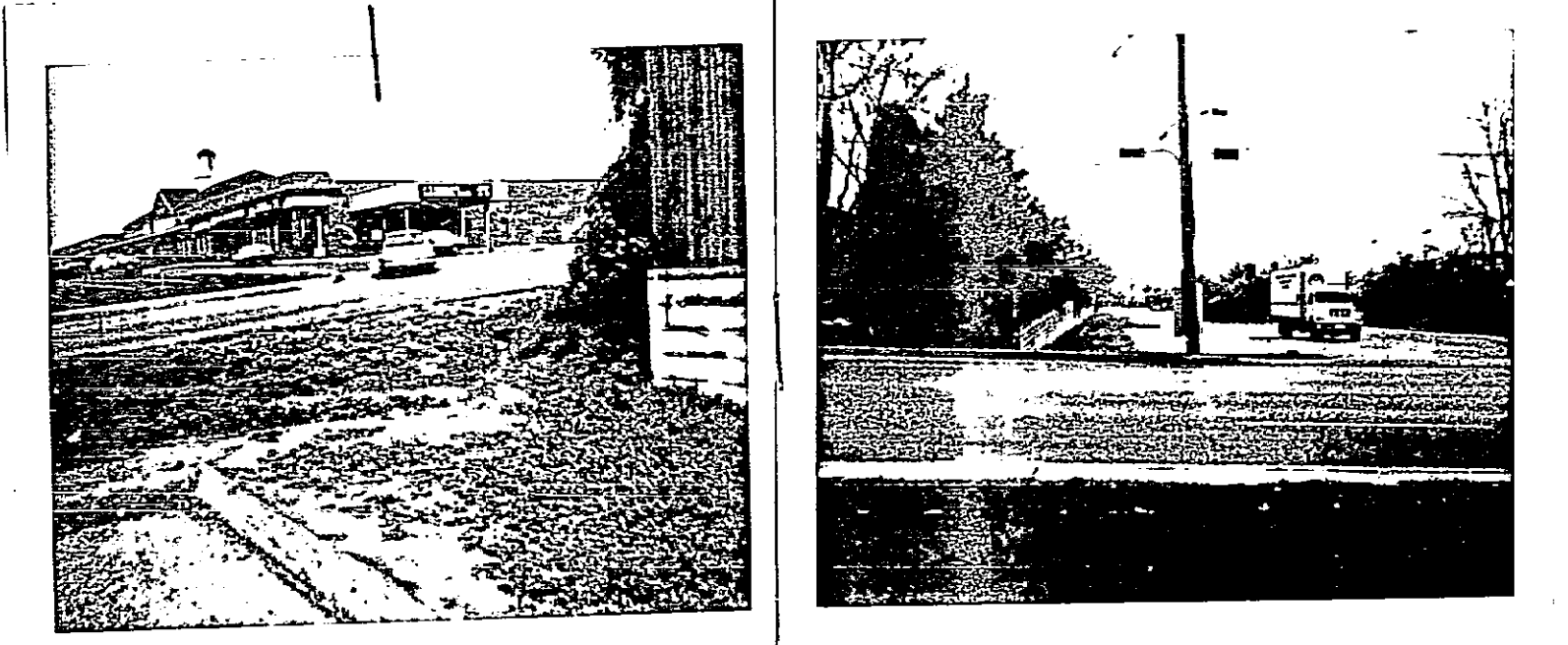


PHOTO C VIEW NORTHWESTLY ACROSS ROSEWOOD LN. FROM
 PHOTO D SR11-ZONED AREA OF SUBJECT SITE

BALTIMORE COUNTY, MARYLAND
PUBLIC NOTICE
 RECLASSIFICATION AND REDISTRICTING PETITIONS ACCEPTED FOR
 FILING BY BALTIMORE COUNTY BOARD OF APPEALS FOR THE OCTOBER, 1990 -
 APRIL, 1991 ZONING RECLASSIFICATION CYCLE IV

1989 SECTOR
 1. 1-10-1989
 2. 1-10-1989
 3. 1-10-1989
 4. 1-10-1989
 5. 1-10-1989
 6. 1-10-1989
 7. 1-10-1989
 8. 1-10-1989
 9. 1-10-1989
 10. 1-10-1989
 11. 1-10-1989
 12. 1-10-1989
 13. 1-10-1989
 14. 1-10-1989
 15. 1-10-1989
 16. 1-10-1989
 17. 1-10-1989
 18. 1-10-1989
 19. 1-10-1989
 20. 1-10-1989
 21. 1-10-1989
 22. 1-10-1989
 23. 1-10-1989
 24. 1-10-1989
 25. 1-10-1989
 26. 1-10-1989
 27. 1-10-1989
 28. 1-10-1989
 29. 1-10-1989
 30. 1-10-1989
 31. 1-10-1989
 32. 1-10-1989
 33. 1-10-1989
 34. 1-10-1989
 35. 1-10-1989
 36. 1-10-1989
 37. 1-10-1989
 38. 1-10-1989
 39. 1-10-1989
 40. 1-10-1989
 41. 1-10-1989
 42. 1-10-1989
 43. 1-10-1989
 44. 1-10-1989
 45. 1-10-1989
 46. 1-10-1989
 47. 1-10-1989
 48. 1-10-1989
 49. 1-10-1989
 50. 1-10-1989
 51. 1-10-1989
 52. 1-10-1989
 53. 1-10-1989
 54. 1-10-1989
 55. 1-10-1989
 56. 1-10-1989
 57. 1-10-1989
 58. 1-10-1989
 59. 1-10-1989
 60. 1-10-1989
 61. 1-10-1989
 62. 1-10-1989
 63. 1-10-1989
 64. 1-10-1989
 65. 1-10-1989
 66. 1-10-1989
 67. 1-10-1989
 68. 1-10-1989
 69. 1-10-1989
 70. 1-10-1989
 71. 1-10-1989
 72. 1-10-1989
 73. 1-10-1989
 74. 1-10-1989
 75. 1-10-1989
 76. 1-10-1989
 77. 1-10-1989
 78. 1-10-1989
 79. 1-10-1989
 80. 1-10-1989
 81. 1-10-1989
 82. 1-10-1989
 83. 1-10-1989
 84. 1-10-1989
 85. 1-10-1989
 86. 1-10-1989
 87. 1-10-1989
 88. 1-10-1989
 89. 1-10-1989
 90. 1-10-1989
 91. 1-10-1989
 92. 1-10-1989
 93. 1-10-1989
 94. 1-10-1989
 95. 1-10-1989
 96. 1-10-1989
 97. 1-10-1989
 98. 1-10-1989
 99. 1-10-1989
 100. 1-10-1989

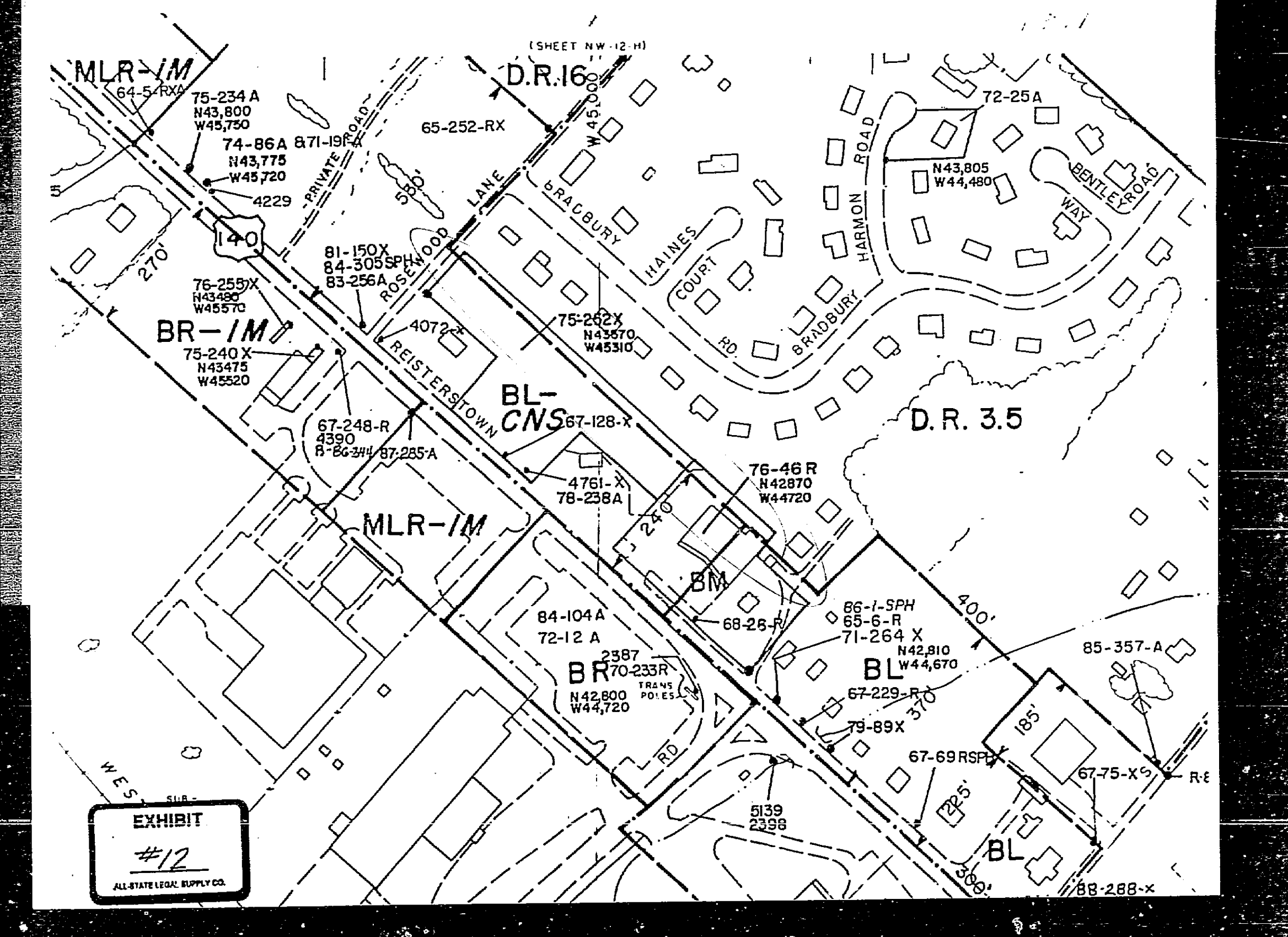
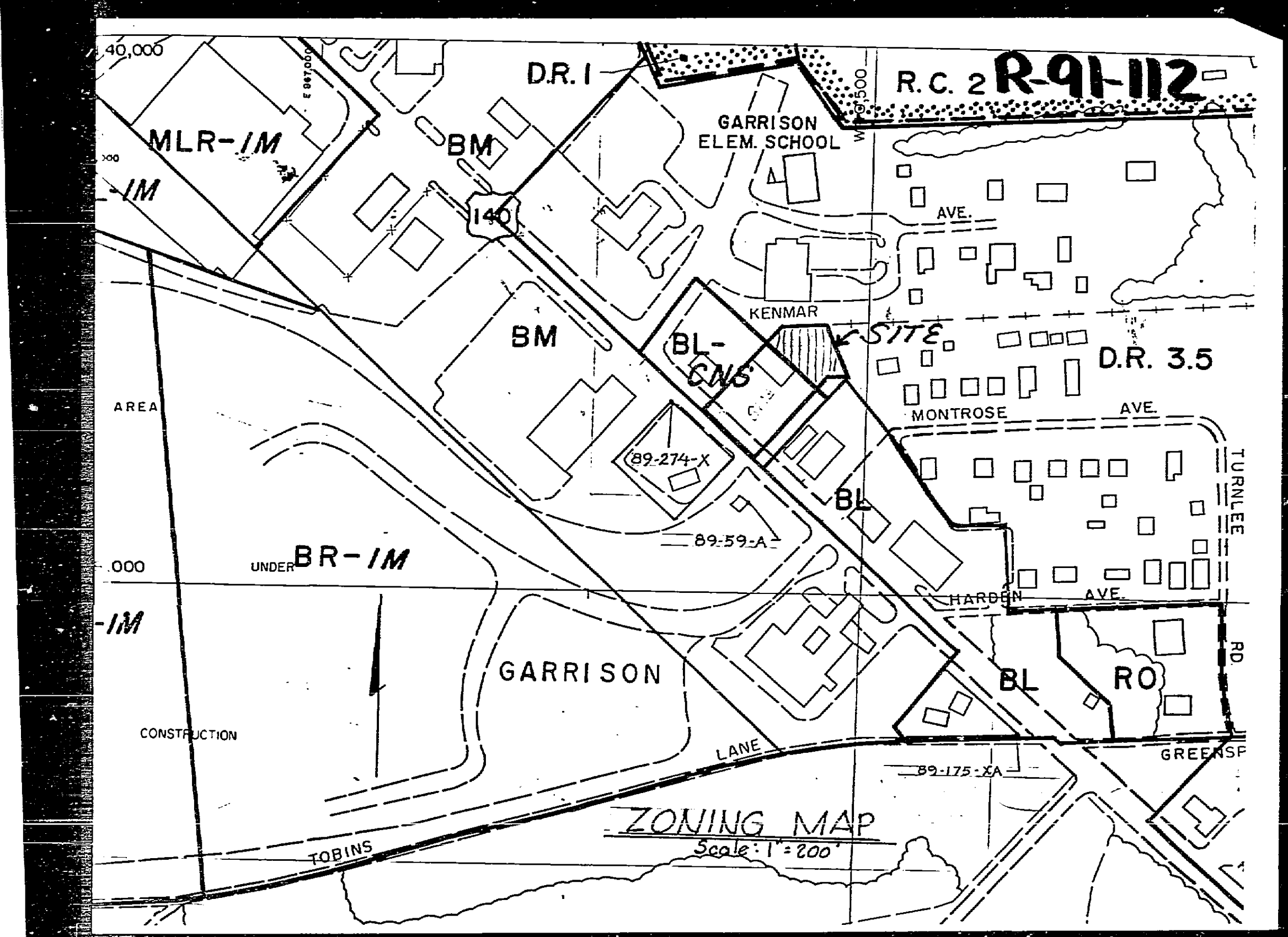
LOCATIONS OF PROPERTIES UNDER PETITION

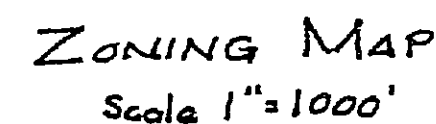
1. 1-10-1989
 2. 1-10-1989
 3. 1-10-1989
 4. 1-10-1989
 5. 1-10-1989
 6. 1-10-1989
 7. 1-10-1989
 8. 1-10-1989
 9. 1-10-1989
 10. 1-10-1989
 11. 1-10-1989
 12. 1-10-1989
 13. 1-10-1989
 14. 1-10-1989
 15. 1-10-1989
 16. 1-10-1989
 17. 1-10-1989
 18. 1-10-1989
 19. 1-10-1989
 20. 1-10-1989
 21. 1-10-1989
 22. 1-10-1989
 23. 1-10-1989
 24. 1-10-1989
 25. 1-10-1989
 26. 1-10-1989
 27. 1-10-1989
 28. 1-10-1989
 29. 1-10-1989
 30. 1-10-1989
 31. 1-10-1989
 32. 1-10-1989
 33. 1-10-1989
 34. 1-10-1989
 35. 1-10-1989
 36. 1-10-1989
 37. 1-10-1989
 38. 1-10-1989
 39. 1-10-1989
 40. 1-10-1989
 41. 1-10-1989
 42. 1-10-1989
 43. 1-10-1989
 44. 1-10-1989
 45. 1-10-1989
 46. 1-10-1989
 47. 1-10-1989
 48. 1-10-1989
 49. 1-10-1989
 50. 1-10-1989
 51. 1-10-1989
 52. 1-10-1989
 53. 1-10-1989
 54. 1-10-1989
 55. 1-10-1989
 56. 1-10-1989
 57. 1-10-1989
 58. 1-10-1989
 59. 1-10-1989
 60. 1-10-1989
 61. 1-10-1989
 62. 1-10-1989
 63. 1-10-1989
 64. 1-10-1989
 65. 1-10-1989
 66. 1-10-1989
 67. 1-10-1989
 68. 1-10-1989
 69. 1-10-1989
 70. 1-10-1989
 71. 1-10-1989
 72. 1-10-1989
 73. 1-10-1989
 74. 1-10-1989
 75. 1-10-1989
 76. 1-10-1989
 77. 1-10-1989
 78. 1-10-1989
 79. 1-10-1989
 80. 1-10-1989
 81. 1-10-1989
 82. 1-10-1989
 83. 1-10-1989
 84. 1-10-1989
 85. 1-10-1989
 86. 1-10-1989
 87. 1-10-1989
 88. 1-10-1989
 89. 1-10-1989
 90. 1-10-1989
 91. 1-10-1989
 92. 1-10-1989
 93. 1-10-1989
 94. 1-10-1989
 95. 1-10-1989
 96. 1-10-1989
 97. 1-10-1989
 98. 1-10-1989
 99. 1-10-1989
 100. 1-10-1989

LISTING OF PETITIONS: Numbers in the listings are keyed to the map above.

BY ORDER OF
 WILLIAM HACKETT
 CHAIRMAN, COUNTY BOARD OF APPEALS AND
 DAVID FIELDS,
 DIRECTOR OF PLANNING AND ZONING

October 31, 1990 TOWSON TIMES Page 75





Cycle IV, 1990/1991

January 31, 1991



R-91-112 Peoples Council 2

NORMAN E. GERBER AICE
35 Pickburn Court
Cockeysville, MD 21030
(301)-667-4543

PLANNING EXPERIENCE:

- Prepared master plans including policy plans, small-area plans and revitalization plans for older commercial districts.
- Prepared zoning and subdivision ordinances, growth management ordinances and zoning maps
- Enforced zoning laws and regulations
- Evaluated and approved subdivision and development plans
- Prepared and administered historic preservation and agricultural land preservation laws and programs.
- Testified at various state and local boards and commissions, state and federal legislative bodies, and state and federal courts, including The United States Tax Appeals Court.
- Lobbied city and county councils, state legislators and community groups to obtain support of projects, programs, budgets and contracts.
- Prepared capital budget and 5 year capital programs as well as two year borrowing programs.
- Prepared requests for proposals, selected consultants and administered consultant contracts.
- Conducted as well as evaluated transportation studies
- Located sites for publicly and privately owned facilities.
- Conducted various demographic and market studies

EMPLOYMENT RECORD:

2/88 to now	NORMAN E. GERBER AICP - Planning Consultant. Specializing in all land planning issues, preparation of development regulations, evaluating property development potential and providing expert testimony on planning and zoning matters.
2/89 to 10/90	CITY OF LAUREL MARYLAND Director of the Department of Planning and Zoning
4/56 - 1/88	BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
9/80 - 1/88	Director of the Office of Planning and Zoning:
1977 to 1980	Deputy Director of Planning

R 91-
112 Petitioners 5



*Maryland Department of Transportation
State Highway Administration*

Richard H. Trainor
Secretary

Hal Kassoff
Administrator

December 5, 1990

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204
Att: Mr. James Dyer

RE: *Baltimore County
Herman Lubcher Property
Zoning Reclassification Cycle IV
Case No. R-91-112
Hearing Date April 9, 1991
N/S Reisterstown Road
MD 140
154' west of Montrase Avenue*

Dear Mr. Haines:

We have reviewed the submittal for a change in zoning from D.R. -3-5 to B.L. -C.N.S. and we offer the following:

The plan must be revised to show a future 100' right-of-way (50' measured from the centerline) on Reisterstown Road.

We will make any additional comments necessary when this plan is submitted through the CRG process.

If you have any questions, please contact Larry Brocato (333-1350).

Very truly yours,

John Meyers
for John Contestabile, Chief
Engineering Access Permits
Division

 LB/es

cc: Mr. D. Sylvan Friedman
BPS Land Technology, Inc.
Mr. J. Ogle

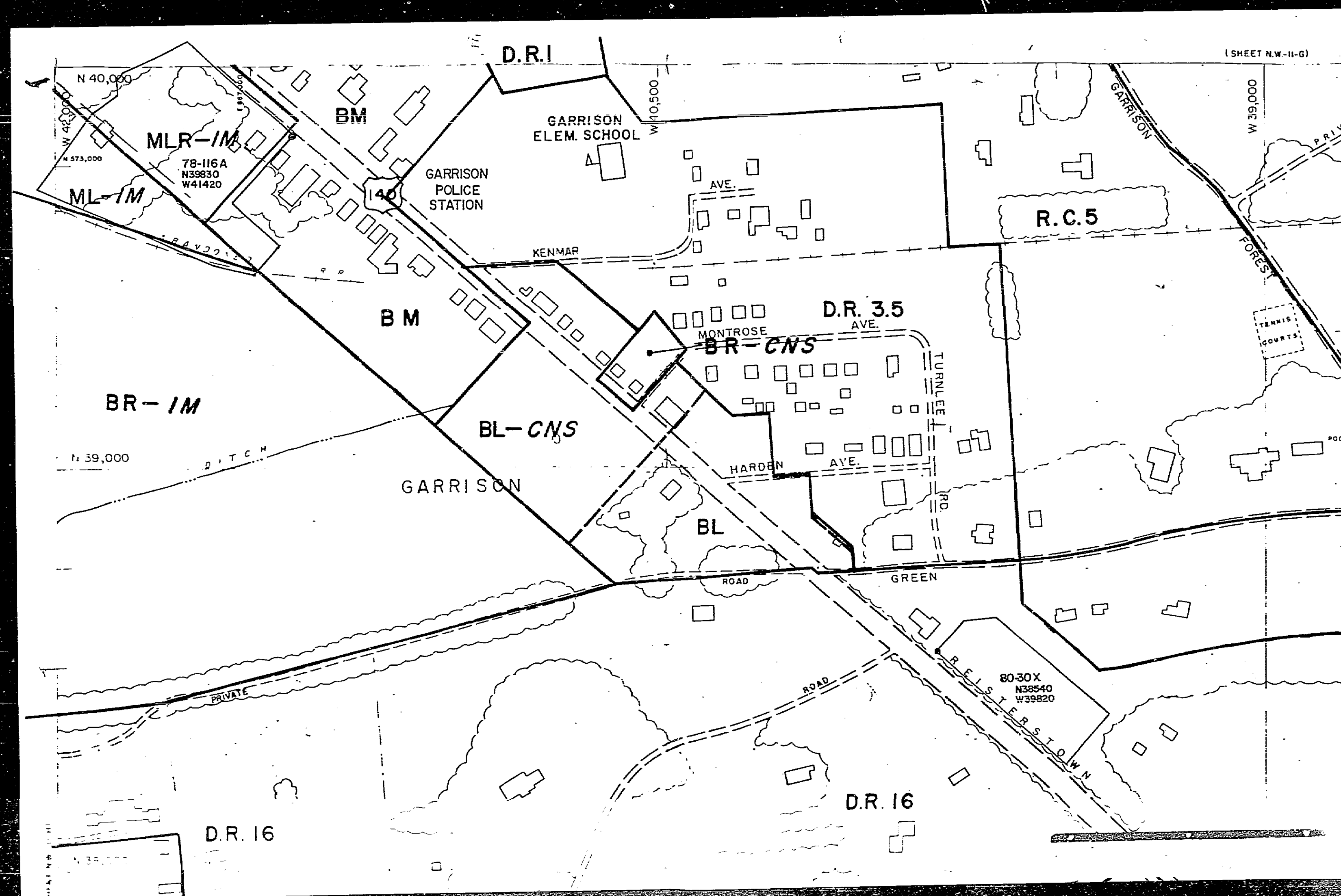
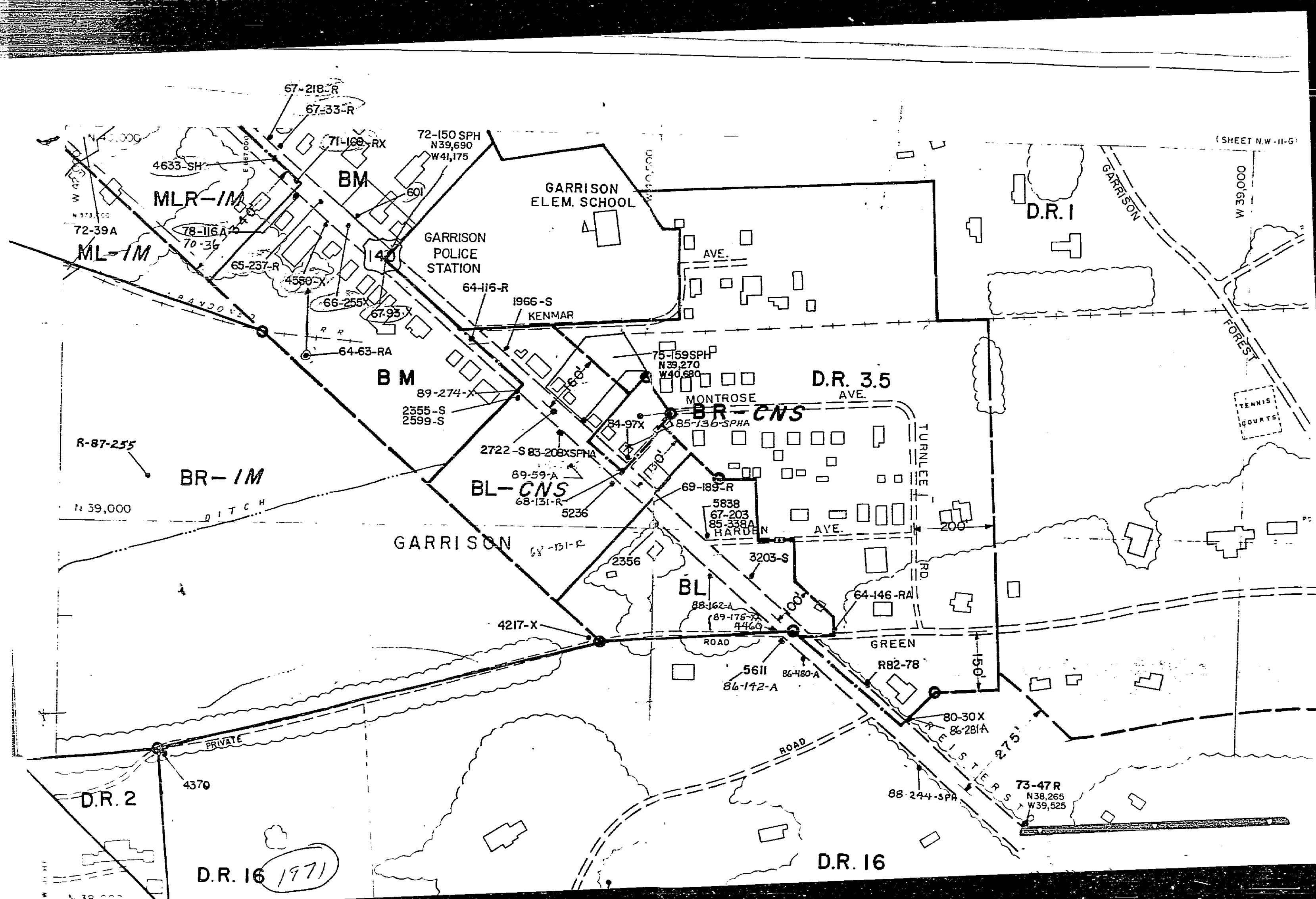
RECEIVED
DEC 7 1969

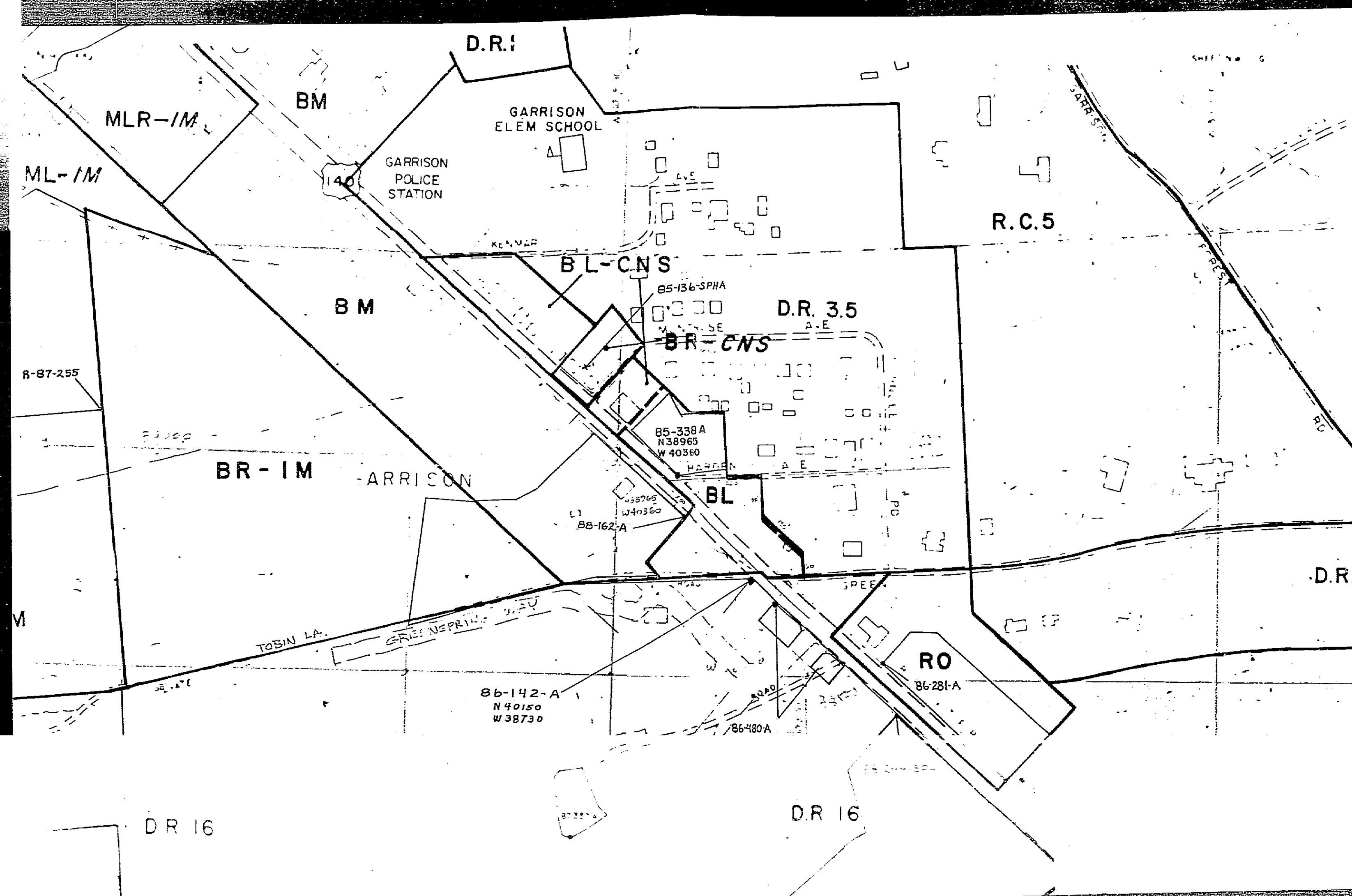
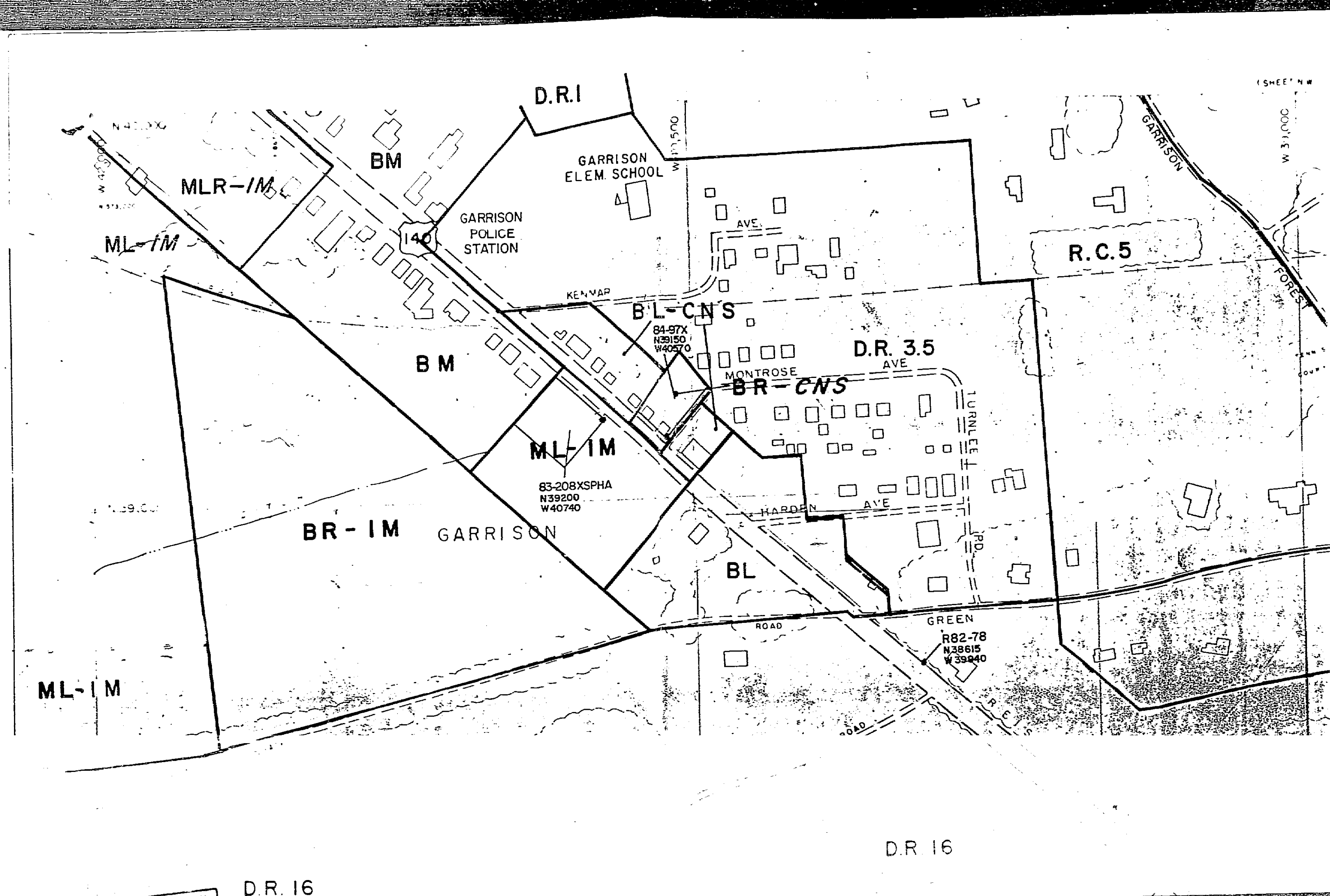
ZONING OFFICE

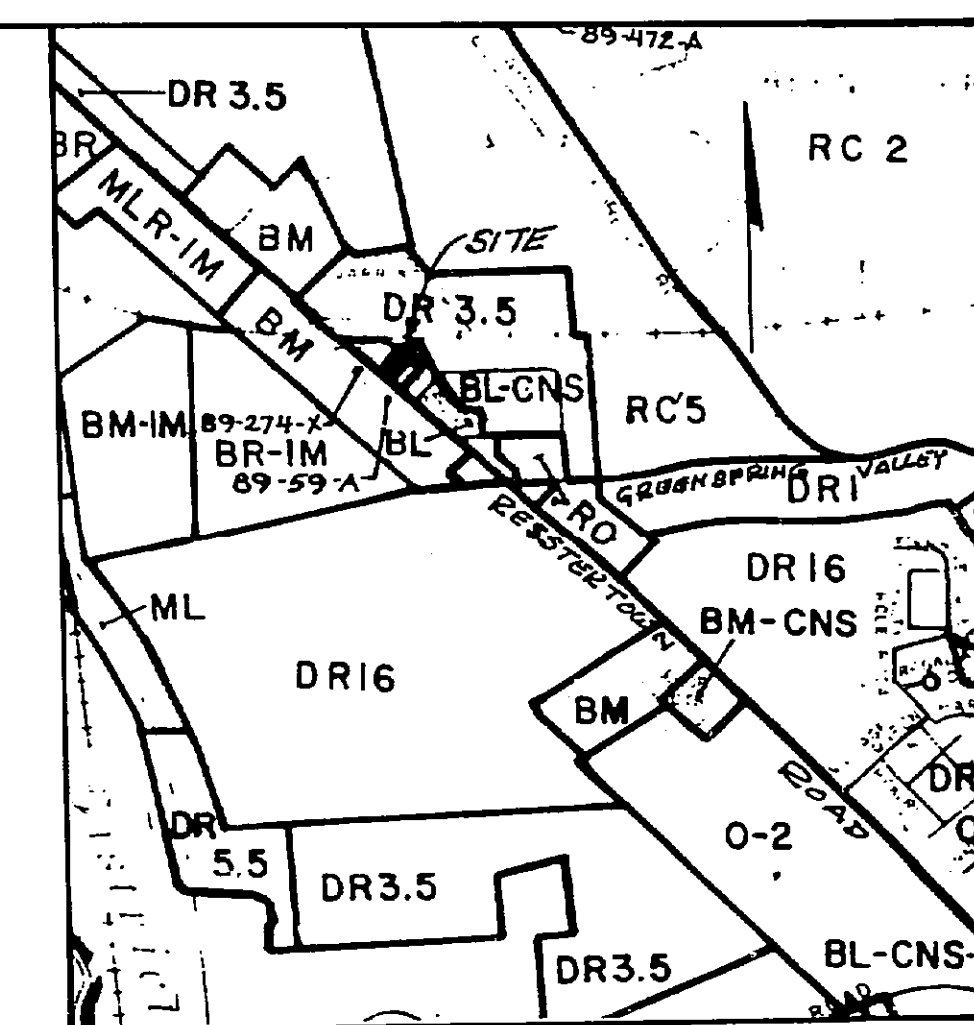
My telephone number is (301) 3-2-91 112 Peterson 2

Teletypewriter for Impaired Hearing or Speech
 Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free

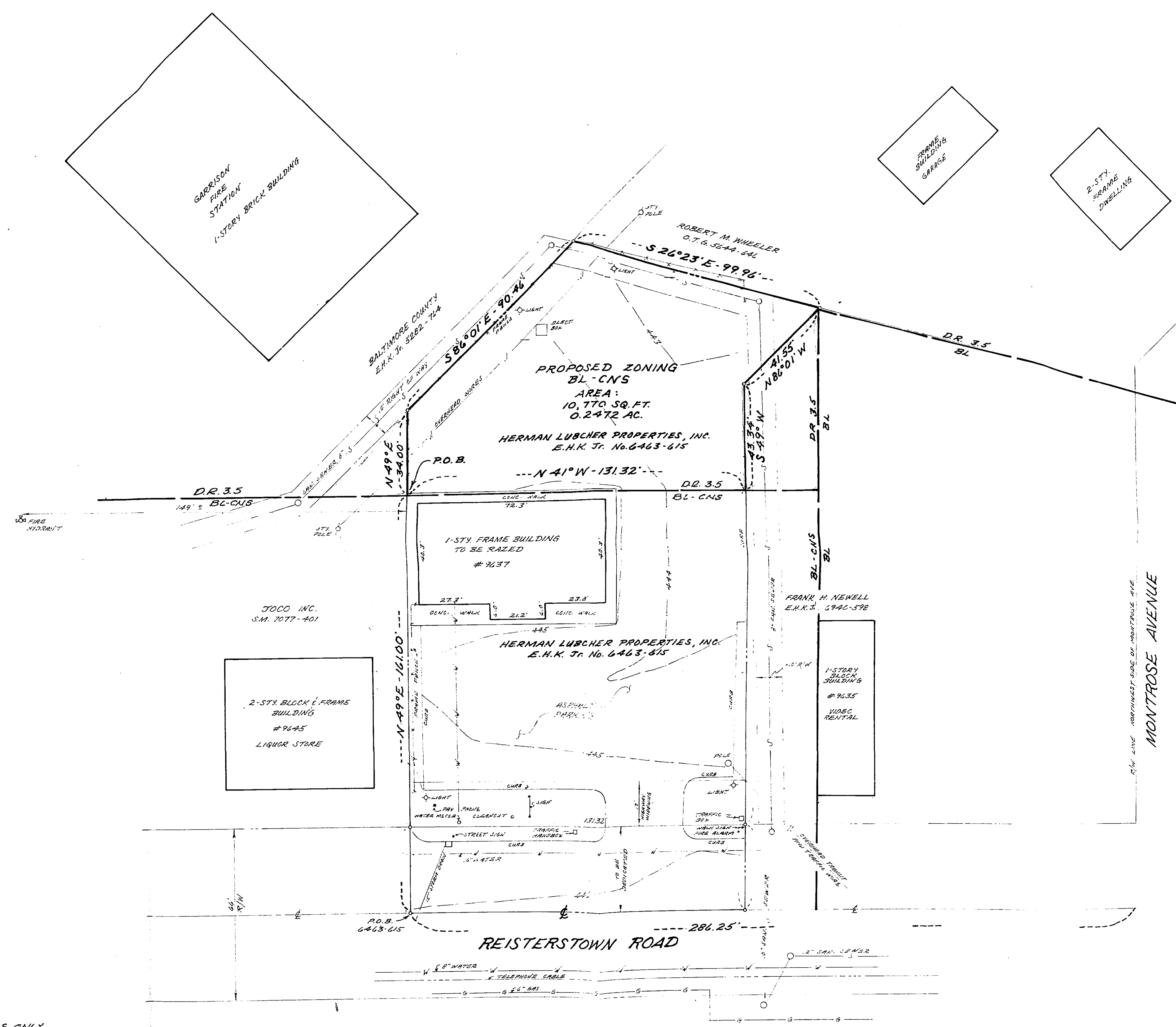
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free
707 North Calvert St. Baltimore, Maryland 21202-0717







VICINITY MAP
Scale: 1"=1000'



NOTE: THIS PLAT IS FOR ZONING PURPOSES ONLY
AND IS NOT INTENDED FOR USE IN ESTABLISHING
PROPERTY LINES

PLAT FOR ZONING RECLASSIFICATION
OWNER: HERMAN LUBCHER PROPERTIES, INC.
DEED REC: 6463-615
ELEC. DISTRICT 3
COUNCILMANIC DISTRICT #3

SCALE: 1"=20' DATE: MAY 8, 1990

BPS/land technology inc.
Engineers & Surveyors
P.O. BOX 5614
Baltimore, Maryland
301-435-0800 21210

501-112 400000 4